NATIONAL PROSECUTING AUTHORITY

National Conference on Victim’s Charter

Adv Vuyo Mhlanga/ Ms Karen Tewson
Vision and Mission

• The vision of the NPA is to achieve: Justice in our society so that people can leave in Freedom and Security

• The mission of the NPA is: Guided by the Constitution, we in the NPA, ensure justice to the victims of crime by prosecuting without fear, favour or prejudice, and by working with our partners and the public to solve and prevent crime.
LEGISLATIVE MANDATE

• National Prosecuting Authority Act
• Constitution of the Republic of South Africa
• Criminal Procedure Act
• Sexual Offences (and Related Matters) Amendment Act
• Child Justice Act
• Domestic Violence Act
• Maintenance Act etc
• National Crime Prevention Strategy, 22 May 2006
OVERVIEW OF WHAT NPA INCLUDED IN THE NIP

• **Deal more effectively with Maintenance Matters;**
• Establishment of national maintenance system: Appointment of specialised maintenance investigators, and a management structure consisting of senior maintenance prosecutors (10 seniors and 70 juniors, nationally) – in process to expand number of specialist maintenance prosecutors.
• In conjunction with DOJCD, appointed Maintenance investigators (at present 145)
• Maintenance manual with presentations developed, phase 1 training on Act delivered, phase 2 implemented.
• Transformation project to ensure effective and efficient service delivery
Customer Management

• Implemented and expanded CM initiatives which were previously developed / empirically tested and piloted: Court Preparation Programme / TCC / Witness Care Centre
• My NPA my Values
• NPA Service Charter developed and promulgated
• Customer Service Plan: 2005 to 2020
• Service Delivery Improvement Plan 2009 to 2012 and enhance NPA’s Court Preparation Programme (Ke Bona Lesedi)
• Customer Management brochures Printed
• Criminal Justice Satisfaction Survey – participated in
• Complaints Mechanism – functional and effective
• Presidential Hotline – functional and effective
• Representations Division (walk in or application documents received from public)
Enhance case flow management

• Provincial and local Case Flow Management meetings continued to be held and stakeholders engages on the performance of the Courts
• NPA is a committed partner in CFM and assist other stakeholders in the optimal production of the courts
Restorative Justice

Therapeutic Jurisprudence (TJ):
• NPA actively seeks to increase the psychological well-being of those who come into contact with Prosecution and enabled through the services of Court Preparation Officers.
• It envisions prosecutors practicing with an ethic of care and heightened interpersonal skills, who value the psychological well-being of their clients as well as their legal rights and interests. Thus promoting the VC.

Victim Impact Statements (VIS):
• This tool directly focuses on determining the impact of the incident on victims by prosecutors and the judiciary. It is compiled in the victims' own words relating to the psychological, social and financial impact the crime has had on both the primary victim and secondary victim(s).
• The result of implementing VIS has been an increase in compensation orders and the edict of longer sentences by the presiding officer.
• It contributes towards victim compensation, satisfaction and restitution.
• Enables the victim to participate in DCS Parole Board Hearings.
2010 requirements

• One of the requirements was the development of a 2010 FIFA World Cup Administration of Justice Operational Plan.
• NPA was part of the process
• 260 prosecutors were deployed at the 56 dedicated court rooms in the 9 host cities
• These included 37 District Courts & 19 Regional Courts
• 222 cases went through the Special Courts of which 202 were finalised, with 138 convictions
Prosecution guided investigations (PGI’s)

- Continuous process
- PGI practices have been established to promote effective investigation and successful prosecution.
- PGI will ensure less postponements as a result of investigations not being complete.
- PGI will ensure a better relationship between prosecutors and investigators which is crucial for successful prosecution.
Focus on reducing case backlogs

- Various interventions to deal with case backlogs have been introduced by Security Cluster Departments.
- Case Backlog Reduction Project was implemented in November 2006 with Regional Courts as the main focus area.
- By end March 2011, there were 57 Regional and 16 District Backlog Courts
- The Court Preparation Model implemented by NPA directly contributes towards reducing case backlogs.
Community Prosecutions

- This is achieved through the establishment of **Community Courts**
- Community Courts are generally seen as courts that utilise “an integrated approach to combating crime, improving access to justice and promoting community participation”

The Hatfield-Type Community Courts aim to:
- Reduce bottlenecks in the court system
- Promote restorative justice
- Facilitate partnerships
- Improve community awareness and participation

- 17 Community courts since 2006 – not all fully operational
Develop policy guidelines to integrate the implementation of the VC in DV cases

- Translation of Domestic Violence Act & Regulations into 7 & 8 indigenous languages respectively
- Developed a personalized safety plan for victims of DV to enhance their protection against dv-incidences
- Ndabezitha Izimbizo project, public awareness & legal education initiative aimed at empowering rural communities
Review the existing domestic violence learning material to include VC

• Development of an Integrated Domestic Violence Training Manual
  – To familiarize participants with social context i.r.o DV
  – To inform participants of laws and policies applicable
  – To provide an understanding of roles and responsibilities of all role players in Justice System
  – To educate on the need to support victims and to encourage information sharing between role players
  – To encourage early intervention and prevention of recidivism
• Development of policy on Minimum Standards of Services to Victims, Uniform Protocol on Victim Management.
  – Project Ndabezitha (for Traditional leaders)
Establishment of TCC’s

• Focus being: Victim centered, court directed, prosecutor-guided investigations with stakeholder cooperation.

• Site-coordinator, victim assistance officer at TCC, with a case manager at court.

• Relevant role-players provincially: TCC ideally at DoH facility, therefore including DoH, SAPS, DSD, NGO’s, DCS, DoJCD. At national level (IDMT), it also includes DoE, Treasury, GCIS

• Ensures cooperation, involvement and coordination of relevant s/holders and services provided as a team.
Establishment of TCC’s (Cont)

• 27 TCC’s can be regarded as fully operational.
• In addition to the 27, we have proceeded with our establishment target, of appointing relevant personnel at identified sites and kick-started the implementation process.
• An additional nr of 25 sites are added to the current 27, giving a total of 52 where services are provided.
Conduct Training

• **Domestic Violence**
  – Multi disciplinary training for role players
  – Intensive Training program for prosecutors “Train-the-Trainer” (118)
  – Traditional leaders in Project Ndabezitha
  – In 2010/11, 5 sessions attended by 102 prosecutors & traditional leaders.

• **Maintenance**
  – Senior and junior maintenance prosecutors and maintenance investigators (civil and criminal), ongoing training process with Justice College, in addition to regular provincial training program.
  – In 2010/11, 10 sessions attended by 180 prosecutors.
Conduct Training

**Child Justice**
- Multi-disciplinary training on young offender management for prosecutors, probation officers and police officials.
- Comprehensive training manual developed by task team re Child Justice Act, commenced with program in October 2009 on the said Act, 11 sessions conducted attended by 349 prosecutors. Commenced with training program for 2010, 5 sessions delivered.
- In 2010/11, 12 sessions, attended by 349 prosecutors, in total for 2 years 698 in 23 sessions.

**Court Preparation – Ke Bona Lesedi**
- Foundational and Advanced Training: Approved and signed of by NDPP
- Training includes understanding developmental stages of child witnesses; communication and stress reduction techniques; Children's / Adolescent and Adult programmes; containment and closure skills.
  Conducted in all 9 provinces for Court Preparation Officers; Prosecutors; Justice Collage; Aspirant Prosecutors Programme.
- Victim Impact Statements (VIS)
  Training on VIS implemented in all 9 provinces. Directives issued by NDPP for prosecutors to execute.
Awareness Raising

- National Road shows
- SABC Radio Public Education Campaign
- Public Exhibitions
- Media Relations
- Internal Communications
NEW ACTIVITIES/INTERVENTIONS

- Court Preparation Programme
  - NPA has been given the **mandate for Court Preparation Services by the DG DOJCD**
  - The program has been empirically tested and evaluated with positive results.
  - Development of Norms and Standards Protocol for Court preparation Services
  - Piloted in 2 provinces and now rolled out in all 9 provinces.
  - 140 Court Preparation officers in 76 magistrate courts.
  - A national coordinator
  - 4 Regional Court Preparation managers and 5 Regional Coordinators appointed with 76 SPP supervising at court.
  - Matters such as Sexual Offences; Children under the age of 18yrs; murder and other serious and violent crime assisted.
  - Average of 7500 witnesses assisted per month.
  - Process Mapping developed for CP as well as integrated process maps with other services such as TCC.
NEW

ACTIVITIES/INTERVENTIONS

• Sexual Offences Act
  – Multidisciplinary training on the investigation and prosecutions of sexual offences cases
  – Advanced skills on prosecuting the child sex offender
  – Child Pornography Training Seminars
  – Integrated training for Case Managers, Victim Assistance Officers, Site Coordinators & relevant stakeholders involved in TCC’s & SOC’s
  – Development of Training Manual and Training on Criminal Law (Sexual Offences and Related Matters) Amendment Act 32 of 2007 (in total delivered 23 training sessions in all provinces attended by 645 prosecutors). Proceeded with training for 2010, 7 sessions in total, attended by 178, trained 823 prosecutors. Commenced with an additional 8 sessions for this year.
  – Technical assistance training program in March 2011, Maputo, attended by 45 delegates, doctors, advocates & investigators.
NEW
ACTIVITIES/INTERVENTIONS

Human Trafficking

• Trafficking in persons task teams were established in the provinces of Gauteng, KZN, WC, Mpumalanga and Limpopo

• NPA led the implementation of the Human Trafficking awareness week from 2-8 October

• Conducted training for prosecutors and relevant stakeholders
CHALLENGES

• Intra and Inter Departmental communication
• Clarification of roles and responsibilities
• Budget allocation
• High Level reporting
THANK YOU!